

# Notice of Allowability

Application No.

09/996,467

Examiner

Callie E. Shosho

Applicant(s)

ZAJAC, BOHDAN

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 6/1/04 and telephonic interview conducted 6/9/04.
2. ☒ The allowed claim(s) is/are 15-17, 19, 22 and 23.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 6/9/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Callie E. Shosho  
Primary Examiner  
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**Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

(1) In the specification, page 1, line 1 after the title, insert "This application is a continuation-in-part of U.S Application No. 09/508,126 filed 3/6/2000, now U.S. Patent No. 6,391,961."

(2) Claim 15, line 3, after "which" and before "a", delete "is" and insert "comprises".

(3) Claim 15, line 3, after "resins" and before "and", insert ", water,".

2. Authorization for this examiner's amendment was given in a telephone interview with Lynn Cargill on 6/9/04.

**Statement of Reasons for Allowance**

3. In the office action mailed 2/26/04, claims 16, 17, and 19 were indicated as allowed and claims 15, 20, and 21 were rejected.

In response, in the amendment filed 6/1/04, claims 20-21 were cancelled, claim 15 was amended, and claims 22-23 were added.

Thus, present claims 15-17, 19, and 22-23 are allowable over the "closest" prior art Swidler (U.S. 5,719,221), Roberts (U.S. 5,453,459), and Park (U.S. 5,750,269) for the following reasons:

Swidler discloses a surface protective coating useful for protecting the surface of an automobile from scratches wherein the coating composition comprises 1-10% water-soluble acrylic polymer which is polymerized from (meth)acrylic acid and other monomers, (2) 1-10% pH-neutral acrylic copolymer which is polymerized from monomers comprising (meth)acrylates, (3) 0.2-1% surfactant and/or wetting agent, (4) thickener, and (5) substantial amount of water wherein the balance of the composition is water. The coating has a pH of 7-9. There is also disclosed a method of protecting surfaces wherein the coating is applied to the surface to be protected including the exterior portions of an automobile. However, with respect to present claim 15, it is noted that Swidler discloses method wherein the coating is removed by washing with pH basic water wash. This is in direct contrast to present claim 15 that requires removing the coating by washing with only water. Further, there is no disclosure or suggestion in Swidler of caustic as required in all the present claims as well as no disclosure of the acid number of the composition as required in present claims 16-17, 19, and 22-23. Additionally, there is no

disclosure of the molecular weight of the acrylic resins or viscosity of the composition as further required in present claims 19 and 23.

Park discloses water-washable coating composition for temporarily protecting a coating of paint on an article wherein the composition comprises film-forming acrylic resin having weight average molecular weight of 20,000-400,000 and acid number of 23-227. The composition comprises 5-50% solids with the remainder water wherein 10-80% of the solids is acrylic resin. However, Park discloses using only one acrylic resin, which is in direct contrast to all the present claims. Further, there is no disclosure or suggestion in Park of caustic as required in all the present claims or any disclosure of the pH of the composition as required in present claims 16-17, 19, and 22-23. Additionally, there is no disclosure of viscosity of the composition as required in present claims 19 and 23.

Roberts disclose a temporary protective coating composition for automobiles that comprises caustic such as alkali metal hydroxide, water, and mixture of acrylic acid copolymers. However, with respect to present claim 15, it is noted that Roberts discloses method wherein the coating is removed by washing with alkaline solution. This is in direct contrast to present claim 15 that requires removing the coating by washing with only water. Further, there is no disclosure in Roberts of the acid number or pH of the composition as required in present claims 16-17, 19, and 22-23 or any disclosure of the molecular weight of either of the acrylic resins or viscosity of the composition as required in claims 19 and 23.

Thus, it is clear that Swidler, Roberts, and Park, either alone or in combination, do not disclose the present invention.

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In light of the above, claims 15-17, 19, and 22-23 are passed to issue.

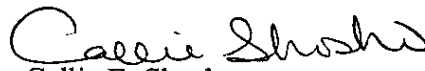
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CS  
6/10/04

  
Callie E. Shosho  
Primary Examiner  
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